

FILED

OCT 7 2021

CLERK
U.S. DISTRICT COURT
MIDDLE DIST. OF ALAIN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)

v.)

CR. NO. 2:21-cr-454-ECM-SMD

[18 U.S.C. § 844(i)]

XIAOQIN YAN)

INDICTMENT

The Grand Jury charges:

COUNT 1

(Arson)

On or about September 30, 2021, in Montgomery County, within the Middle District of Alabama, the defendant,

XIAOQIN YAN,

maliciously damaged and destroyed, by means of fire and explosive materials, the First Baptist Church of Montgomery, located at 305 South Perry Street, Montgomery, Alabama 36104, used in interstate and foreign commerce and used in an activity affecting interstate or foreign commerce, in violation of Title 18, United States Code, Section 844(i).

FORFEITURE ALLEGATION

A. The allegations contained in Count 1 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and (G), 982(a)(2)(B), 844(c), and 2461.

B. Upon conviction of the offenses in violation of Title 18, United States Code, Section 844(i) set forth in Count 1 of this Indictment, the defendant,

XIAOQIN YAN,

shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C)

and (G), 982(a)(2)(B), 844(c), and 2461, any and all property constituting or derived from proceeds defendant obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offenses in violation of Title 18, United States Code, Section 844(i).

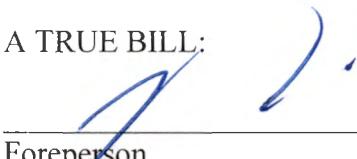
C. If any of the property described in this forfeiture allegation, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty.

the United States shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

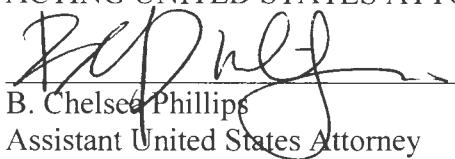
All pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and (G), 982(a)(2)(B), 844(c), and 2461.

A TRUE BILL:

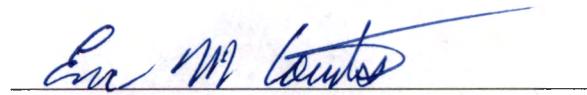


Foreperson

SANDRA J. STEWART
ACTING UNITED STATES ATTORNEY



B. Chelsea Phillips
Assistant United States Attorney



Eric M. Counts
Assistant United States Attorney